IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 11458 of 2004

Between:

K.Indira Priyadarshini D/o.K.Raghurama Krishna Raju
R/o.Plot No.229 Road No.78 Jubilee Hills, Hyderabad-33.

..... PETITIONER

AND

The Regional Passport Officer Passport Office
Clock Tower Near Prasanth Talkies, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the notice dt.30.6.2004 issued by the respondent as arbitrary and illegal and consequently direct the respondent to issue a fresh passport by considering the application filed by the petitioner in file No.M 014506 with correct date of birth as 1-8-1984 instead of 1-11-1984

For the Petitioner:MR.B.CHANDRASEN REDDY -Advocate

For the Respondent : MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the Following order :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRITPETITION NO. 11458 OF 2004

ORDER:

The present writ petition is filed questioning the notice dated 30-6-2004 issued by the respondent requesting the petitioner to furnish declaratory order from competent court for change of date of birth.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that her actual date of birth is 1-8-1984, but in the Passport issued to her by the respondent, her date of birth is wrongly mentioned as 1-11-1984, and that though she represented to the respondent, to alter her date of birth in the Passport and issue fresh passport, the respondent refused to entertain the application on the ground that they have no power to make correction of date of birth in the Passport, and called upon her to furnish declaratory order from the competent Court for change of date of birth. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain her application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P. No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. When the aforementioned instructions issued by the Government of India are in force, I fail to understand how the respondent could have called upon the petitioner to furnish declaratory order from competent court for change of date of birth. In that view of the matter, the impugned notice cannot be sustained, and it is accordingly quashed and set aside, and the writ petition is disposed of with the following directions:

The respondent shall consider the application of the petitioner for correction of her date of birth in the Passport/issuance of fresh Passport, and after verifying the genuineness or otherwise thereof basing on the documents, which the petitioner may produce in support of her case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

7-7-2004

TVK/

To

1.. The Regional Passport Officer Passport Office
Clock Tower Near Prasanth Talkies, Secunderabad.

2..2CCs to
3..2CD copies

*Form-NIC-OGS/WP{**MPL**}*